

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2151 – HB 2192**

January 5, 2012

**SUMMARY OF BILL:** Establishes that a landowner, as defined, owes no duty of care to keep land safe for recreational activities or to warn against hazardous conditions, if the landowner invites or grants permission to another to use the land without charge for recreational activities. Defines “charge,” “land,” “landowner,” and “recreational activity.” Exceptions include the following: if the landowner’s act causing the injury constitutes gross negligence or intentional conduct; if the landowner charges for use of the land; if the invitation or permission is for sales promotion, advertising, or public goodwill for business purposes; or if the landowner maintains an attractive nuisance. Specifies other limitations on the landowner’s duties and responsibilities to the person who was invited onto the land or was granted permission to access the land. Establishes that a title holder/owner not living on the land is not responsible for injuries or death resulting from its recreational use if permission was granted to a third party to enter the land by the immediate possessor of the land, lessee, occupant, or other person in control of the land unless the title holder/owner knows the conduct listed above is occurring, and if the title holder/owner fails to make a good faith attempt to prevent the possessor of the land, lessee, or occupant from engaging in such conduct.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumption:

- Limiting the liability of landowners for injuries occurring as a result of entry onto the land, free of charge and for recreational purposes will not increase the caseloads of the trial or appellate courts. Any fiscal impact is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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/jdh